

## **REMARKS**

Claims 1, 6, 7, 26, 33, and 35 have been amended for clarification. Claim 29 has been canceled. No claims have been added. No new matter has been entered. Support for the proposed claim amendments may be found throughout the specification and particularly in paragraphs [0006], [0007], [0033], [0034], [0095], and [0096].

Upon entry of these amendments, claims 1-24, 26, 30, 33, and 35 will remain in the application. These claims are believed to be allowable for the reasons given below.

### **Claim Rejections – 35 USC §103**

#### *Claims 1-24 , 29, and 35*

Claims 1-3, 5-15, 18, 29, and 35 stand rejected under 35 USC §103(a) as allegedly being unpatentable as obvious over EP 1139684 A1 (hereafter “Cho”) in view of US Patent Application No. 2008/0051105 (hereafter “Fomukong”). Claim 29 has been canceled, thereby mooting this rejection with respect to claim 29. Independent claims 1 and 35 are believed to be nonobvious over Cho in view of Fomukong for the reasons given below. Withdrawal of these claim rejections is solicited.

Claim 1 recites a method of controlling usage of a portable digital device having at least one of an audio and an image data recording function. Such a method includes the steps of determining whether the portable digital device is within a specific geographic region around another portable digital device and inhibiting operation of the digital device upon receipt of a first inhibiting signal transmitted by the another portable digital device when the portable digital device is located in the specific geographic region around the another portable digital device. As specified in claim 5, the inhibiting operation may inhibit the audio and/or image data recording function. This feature of the invention enables one to create a “wireless privacy zone” within the specific geographic region around the another portable digital device.

In the Official Action, the examiner acknowledges at page 2 that Cho does not teach “monitoring the geographical location of the portable digital device [and] comparing the geographical location of the portable digital device with a specific geographic region.” Applicant agrees. However, the examiner further alleges that Fomukong discloses monitoring the geographic region of the portable digital device and comparing the monitored

region with a specific geographical region and that, based on such teachings, it would have been obvious to one skilled in the art to have modified Cho's system to include monitoring of mobile phones to provide "secure and accessible remote receiving unit position information." Applicant disagrees and submits that *prima facie* obviousness has not been established.

Cho discloses an apparatus for automatically switching the operation mode of a portable communication device when the portable communication device is in an area where, for example, quietness is desired. As noted in paragraph [0001], the portable communication device may receive a mode signal that switches it into a normal vibration mode, a transmission-restricted vibration mode, an incoming call cut-off mode, or a normal operation mode. The stated objective of Cho is to prevent the generation of noise by call alert tones generated from portable communication devices and the resulting conversations when the portable communication devices are in areas where quietness is desired. The mode generation signal also may prevent the transmission of images and data with the portable communication device (paragraph [0007]). As noted at paragraph [0028], the device may be used in areas such as a concert hall or a church. The mode signal generation device is thus related to a fixed location and in no way tied to an individual. As a result, a person seeking a "wireless privacy zone" would still be susceptible to undesired picture taking or audio recording unless the proprietor of the establishment happened to generate the mode signal. In any case, generation of the mode signal would not be under the person's control.

The claimed methods and devices extend control over a "wireless privacy zone" to an individual. Cho does not suggest such a feature or the desirability of such a feature. Fomukong does not provide such teachings either.

On the contrary, Fomukong teaches a system in which a person having a remote receiving unit may choose to provide location information to a paging network so that the paging network may selectively divulge or block the location information from being provided to a caller in accordance with the stated desires of the person having the remote receiving unit. Fomukong does not teach that a portable device determines its location relative to another portable device as claimed. The remote receiving unit periodically provides its global position to the paging network so that the paging network will know the exact location of the remote receiving unit when the need arises (paragraph [0019]).

Fomukong says nothing of resolving the position of the remote receiving unit relative to the

position of another portable device and inhibiting operation of the remote receiving unit when an inhibiting signal is received.

Applicant submits that Fomukong merely suggests that a portable device may update its location within a network. No teaching is provided by Fomukong or in Cho to suggest that one skilled in the art would have extended such teachings to provide a method, computer readable medium, or system in which the position of one portable device relative to another may be determined whereby the first digital device's operation is inhibited when within a "specific geographic region" around the second digital device. In other words, neither Cho nor Fomukong suggest the method of claim 1 for establishing a "wireless privacy zone" around a portable digital device.

Accordingly, claim 1 and the claims dependent thereon (claims 2-24) are believed to be nonobvious over the teachings of Cho and Fomukong. As independent claim 35 includes the same features as claim 1, claim 35 is believed to be allowable for the same reasons as set forth above with respect to claim 1. Withdrawal of the rejection of claims 1-3, 5-15, 18, 29, and 35 over Cho and Fomukong is thus appropriate and respectfully solicited.

*Dependent claims 4, 16-17, and 19-24*

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho and Fomukong in view of US 5,901,342 (hereafter "Heiskari"); claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho and Fomukong in view of US 6,829,429 (hereafter "Aerrabotu"); claims 17, 19, and 21-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho and Fomukong in view of US 2006/0281450 (hereafter "Cocita"); claims 20 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho and Fomukong in view of Cocita and US 2001/0018742 (hereafter "Hirai"); and claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho and Fomukong in view of US 6,496,703 (hereafter "da Silva"). These rejections are traversed.

Claims 4, 16-17, and 19-24 are believed to be allowable by virtue of their respective dependencies directly or indirectly from independent claim 1. None of the cited secondary references is alleged, or is believed by Applicant, to disclose inhibiting operation of a function of a first portable digital device in a specific geographical region relative to a second portable digital device when the first portable digital device receives an inhibiting signal from

the second portable digital device as now claimed. Accordingly, even if the teachings of these documents could have been combined with the teachings of Cho and Fomukong by one skilled in the art as the examiner alleges, the claimed methods, device, or computer readable media would not have resulted. Withdrawal of the rejections of claims 4, 16-17, and 19-24 as being unpatentable as obvious is thus appropriate and is solicited.

*Claims 26 and 33*

Claims 26 and 33 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable as obvious over Cho in view of Hirai. These rejections are respectfully traversed.

Claim 26 has been amended to recite a method of controlling transmission of data over a communications network comprising the steps of a first portable digital device detecting an attempted transmission of data including a source-identifying signal broadcast by a second portable digital device in a specific geographic region around said first portable digital device, and the first portable digital device sending an inhibiting signal to the second portable digital device to inhibit the attempted transmission of data including the source-identifying signal by said second portable digital device when said second portable digital device is located in said specific geographic region around said first portable digital device. Such features are not taught by Cho in view of Hirai.

Applicant can find no teachings in Cho or Hirai of the feature of broadcasting a source-identifying signal in a specific geographic region around a portable digital device and preventing transmission of data including the source-identifying signal by another portable digital device when the other portable digital device is located in the specific geographic region around the portable digital device. As noted above, Cho teaches the transmission of mode signal for inhibiting transmission. Hirai teaches transmitting a broadcast station ID with a data transmission. However, neither Cho nor Hirai teaches inhibiting transmissions by the portable digital device with the identified broadcast station ID when the portable digital device is in the claimed specified geographic region. Accordingly, even if the teachings of Cho and Hirai could have been combined by one skilled in the art as the examiner alleges, the claimed invention would not have resulted. Withdrawal of the rejection of claim 26 is solicited.

Claim 33 recites a method for capturing security information relating to a portable digital device which includes an imaging function, said method comprising enabling operation of said imaging function in response to an interrogation or enabling signal from a central station and returning an image to said central station in response to said interrogation or enabling signal. For example, as described in the specification at paragraph [0054], this feature may allow authorities to track or recover the digital device. Such a feature is nowhere shown or suggested by Cho or Hirai.

As noted above, Cho teaches the transmission of mode signal for inhibiting transmission. In rejecting claim 33, the examiner acknowledges that Cho does not disclose returning an image to a central station. However, the examiner alleges that Hirai teaches such a feature. Applicant disagrees. Hirai teaches transmitting a broadcast station ID with a data transmission. Neither Cho nor Hirai teaches sending an interrogation signal to the portable device from a central station and returning an image to the central station in response to the interrogation signal. Cho inhibits such image transmissions and nowhere suggests interrogating the portable digital device for an image as claimed. Accordingly, even if the teachings of Cho and Hirai could have been combined by one skilled in the art as the examiner alleges, the claimed method of claim 33 would not have resulted. Withdrawal of the rejection of claim 33 is solicited.

*Claim 30*

Claim 30 recites a communication system including a security monitoring station that transmits a first inhibiting signal in a specific geographic region, at least one portable digital device having at least one of an audio recording function and an image data recording function, and another portable digital device in the specific geographic region that transmits a second inhibiting signal in said specific geographic region. In operation, when the at least one portable digital device is located in said specific geographic region, the audio or image data recording function of the at least one portable digital device is inhibited upon receipt of the first or second inhibiting signal. Claim 30 is believed to be allowable over Cho for at least the same reasons as noted above with respect to claim 1. Moreover, the teachings of O’Neil are not believed to suggest the claimed features to one skilled in the art.

As acknowledged by the examiner, Cho does not disclose another portable digital device in the specific geographic region that transmits a second inhibiting signal to the

portable digital device. O’Neil does not teach such features either. On the contrary, O’Neil teaches a transmission device that sends short range signals for disabling cellular telephones in a region such as a school zone. O’Neil does not provide teachings relating to disabling audio or image recording functions of a portable digital device. O’Neil also fails to teach the claimed features for providing a “wireless privacy zone” around an individual. Accordingly, even if the teachings of Cho and O’Neil could have been combined by one skilled in the art as the examiner alleges, the claimed system of claim 30 would not have resulted. Withdrawal of the rejection of claim 30 is solicited.

**Priority**

Applicant notes that although the parent PCT application claims priority to a US provisional application and such priority claim is correctly reflected on the Filing Receipt, the priority claim is not reflected in the PAIR records. The examiner is asked to ensure that the priority claim is correctly reflected in the USPTO records.

**Conclusion**

For at least the reasons set forth above, pending claims 1-24, 26, 30, 33, and 35 are believed to distinguish over the cited prior art and to be in condition for allowance. A Notice of Allowability is solicited.

Date: Monday, July 13, 2009

/Michael P. Dunnam/  
Michael P. Dunnam  
Registration No. 32,611

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439